

SCHEDULES

SCHEDULE 3

Section 66(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

The Public Libraries Consolidation (Scotland) Act 1887 (c. 42)

- 1 In section 2 (which makes provision as regards the interpretation of the Act), in the definition of "museum and art gallery authority", for the words "a regional," there shall be substituted the word "an".

The Local Government Act 1948 (c. 26)

- 2 In section 133(3)(ii) (which provides for the interpretation of certain provisions relating to war memorials), for the words "a regional," there shall be substituted the word "an".

The Caravan Sites and Control of Development Act 1960 (c. 62)

- 3 In Schedule 1—
- (a) in paragraph 10(1) (which relates to caravan site licences not being required by travelling showmen during certain periods), for the words "falling between the beginning of October in any year and the end of March" there shall be substituted the words "beginning on or after 20th September in any year and continuing until not later than 16th April"; and
 - (b) in paragraph 11A (which relates to other cases where a caravan site licence is not required), for the word "gipsies" there shall be substituted the words "persons to whom section 24(8A) of this Act applies".

The Trustee Investments Act 1961 (c. 62)

- 4 In section 7(3) (which interprets the expression "Consolidated Loans Fund" for the purposes of certain provisions relating to statutory investments by persons other than trustees), for the words "section two hundred and seventy-five of the Local Government (Scotland) Act, 1947" there shall be substituted the words "Schedule 3 to the Local Government (Scotland) Act 1975".

The Local Government (Scotland) Act 1966 (c. 51)

- 5 In section 2(2) (which relates to the determination of the estimated aggregate amount of the rate support grants for any year), for the words "section 4" there shall be substituted the words "sections 3 and 4".
- 6 In section 3 (which provides for the making of rate support grant orders)—
- (a) in subsection (1), for the word "fixed" where it first occurs there shall be substituted the words "determined (or redetermined)"; and

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(b) in subsection (3), for the word " Rate " there shall be substituted the words " Subject to section 4 of this Act, rate ".

7 In section 4 (which relates to the variation of rate support grant orders), for subsections (2) to (7) there shall be substituted the following subsections—

“(2) A rate support grant order made by virtue of subsection (1) above with respect to any year may vary matters prescribed by the rate support grant order which first fixed the estimated aggregate amount of the rate support grants for that year.

(3) A rate support grant order may, if the Secretary of State considers it practicable that it should do so, relate both to an estimated aggregate amount of the rate support grants determined, and to such an amount redetermined, under section 2(2) of this Act.”.

The Countryside (Scotland) Act 1967 (c. 86)

8 In section 31 (which makes provision as regards the compulsory creation of public paths)—

(a) in subsection (1), after the words " them and ", there shall be inserted the words " , subject to paragraph 2(1A) of Schedule 3 to this Act, "; and

(b) in subsection (2) for the words " confirm such an order" there shall be substituted the words " , in a case where his confirmation of the order is required, confirm it ".

9 In section 34 (which makes provision as regards the closure of public paths)—

(a) in subsection (1), after the words " them and ", there shall be inserted the words " , subject to paragraph 2(1A) of Schedule 3 to this Act, "; and

(b) in subsection (5)—
 (i) after the words " preliminary to the ", in both places where they occur, there shall be inserted the words " making or "; and
 (ii) the words " made under the next following section " shall cease to have effect.

10 In section 35 (which makes provision as regards the diversion of public paths)—

(a) in subsection (1), after the words " them and ", there shall be inserted the words " , subject to paragraph 2(1A) of Schedule 3 to this Act, "; and

(b) in subsection (3), for the words " confirm the order " there shall be substituted the words " , in a case where his confirmation of the order is required, confirm it ".

11 In Schedule 3 (which comprises provisions as to the making, confirmation, coming into operation and validity of access orders and orders relating to public paths)—

(a) in paragraph 1(1)—
 (i) after the word " Before " there shall be inserted the words " an authority make ";

(ii) for the words "is submitted to the Secretary of State for confirmation the authority by whom the order was made " there shall be substituted the word " they ";

(iii) for head (a) there shall be substituted the following head—

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- “(a) stating the general effect of the order and that it is about to be made and, subject to paragraph 2(1 A) of this Schedule, submitted for confirmation.”;
 - (iv) in head (b), for the word " copy " there shall be substituted the word " draft "; and
 - (v) in head (c), after the words " to the " there shall be inserted the word " draft ";
 - (b) paragraph 1(2) shall cease to have effect;
 - (c) in paragraph 1(3), for the words "either of the two foregoing sub-paragraphs " there shall be substituted the words " sub-paragraph (1) above ";
 - (d) in paragraph 2—
 - (i) at the beginning there shall be added the following sub-paragraph—

“(1A) If an authority have given notice under paragraph 1(1) above as regards a public path creation order, a public path extinguishment order or a public path diversion order, and no representations or objections are duly made in terms of paragraph 1(1)(c) of this Schedule or if any so made are withdrawn, then, subject to the provisions of Part II of this Schedule, the order shall on being made by them have effect without their having to submit it to the Secretary of State and without his confirmation.”;
 - (ii) in sub-paragraph (1) for the word " If ", where it first occurs, there shall be substituted the words " In the case of an order other than one which has effect under sub-paragraph (1A) above, if " ; after the words " duly made" there shall be inserted the words " in terms of sub-paragraph (1)(c) of paragraph 1 of this Schedule " ; and the words " or make " and " , as the case may be," shall cease to have effect;
 - (iii) in sub-paragraph (2), the words " or making ", " or make ", and " as the case may be," shall cease to have effect;
 - (iv) in sub-paragraph (3), the words " or make " and "or the draft order prepared by him, as the case may be," shall cease to have effect; and
 - (v) both in the proviso to sub-paragraph (2) and in sub-paragraph (3), for the words from "in the case" to " undertakers" there shall be substituted the words " , where objection is made by statutory undertakers to a public path creation order or a public path diversion order, "; and
 - (e) in paragraph 4—
 - (i) the words " or made ", where they first occur, shall cease to have effect;
 - (ii) after the word " State ", where it first occurs, there shall be inserted the words " or, in the case of an order which has effect under paragraph 2(1A) of this Schedule, has been made by an authority " ; and
 - (iii) the words "or, in the case of an order made by the Secretary of State, the Secretary of State," and "or the Secretary of State (according

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as the notice or copy would require to be served by an authority or by the Secretary of State)" shall cease to have effect."

The Roads (Scotland) Act 1970 (c. 20)

- 12 In section 21(2) (which makes provision as regards expenses incurred in removing mud deposited on roads by vehicles), after the word " authority " there shall be inserted the words " or by the district council ".

The Local Government (Scotland) Act 1973 (c. 65)

- 13 In section 31(1)(a) (which makes provision as regards disqualification from election to, and membership of, a local authority), after the word " chairman " there shall be inserted the words " or vice-chairman ".

- 14 In section 38(4)(a) (which provides that allowances are not to be treated as pecuniary receipts for the purposes of disabling members of a local authority from voting on certain matters), after the word " chairman" there shall be inserted the words " or vice-chairman ".

- 15 In section 67 (which makes provision as regards the disqualification of members and former members from paid office with a local authority), after the word "chairman" there shall be inserted the words " or vice-chairman ".

- 16 In section 69 (which makes provision as to subsidiary powers Which may be exercised by a local authority), at the end there shall be added the following subsection—

“(4) The foregoing provisions of this section are subject to those of section 154A(2) and (4) of this Act.”.

- 17 In section 94—

- (a) in subsection (1B) (which relates to the Secretary of State's withdrawal of consent to a local authority incurring liability to meet capital expenses and to the variation by him of the terms of such consent), for the words from " where " to the end there shall be substituted the following proviso—

“: Provided that, where the local authority have, by binding contract, incurred any liability to which the consent relates, a withdrawal or variation which would, but for this proviso, have the effect of rendering performance of an obligation under such contract impossible shall apply only to the extent (if any) that it does not have that effect.”; and

- (b) for paragraph (b) of subsection (3) (which among other things provides for the Secretary of State's consent being made necessary as regards a local authority incurring liability to meet certain expenses other than capital expenses) there shall be substituted the following paragraphs—

“(b) provide that subsection (1) above shall, in the same manner as it applies to liabilities incurred in relation to capital expenses, apply to such other liabilities incurred in relation to a lease (or other contract, or arrangement, of a like nature) as may be specified in the order and, for the purposes of such application, prescribe a method for assigning a capital value to those other liabilities and

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- prescribe circumstances in which such other liabilities shall be taken to arise.”.
- 18 In section 108 (which empowers a local authority to determine and levy a regional, general or, as the case may be, district rate)—
- (a) in subsection (1) for the word " subsection " there shall be substituted the words " section 5(4)(b) and (5) of the Local Government (Scotland) Act 1966 and to section "; and
 - (b) in subsection (2), after the word " determine " there shall be inserted the words " (unless the determination is under section 5(4)(b) of the Local Government (Scotland) Act 1966) ".
- 19 In section 108A—
- (a) in subsection (1) (which empowers a local authority to redetermine and lower its regional, general or as the case may be district rate)—
 - (i) for the words " the Secretary of State informs them that the reduction specified in such report has been made " there shall be substituted the words " such report is approved by the Commons House of Parliament ";
 - (ii) for the word " a ", where it occurs for the fourth time, there shall be substituted the word " such "; and
 - (iii) at the end there shall be added the words " as the Secretary of State may agree "; and
 - (b) in subsection (5) (which relates to the interpretation of certain occurrences of the expression " rates"), after the word " enactment " there shall be inserted the words " except section 5 of the Local Government (Scotland) Act 1966 ".
- 20 In section 111(1)(b) (which relates to regulations with respect to rates), after the words "110" there shall be inserted the words " , or section 5(4) and (5) of the Local Government (Scotland) Act 1966, ".
- 21 In section 163(3) (which designates the local authority for the purposes of the Public Libraries Consolidation (Scotland) Act 1887 in the application of that Act to museums and art galleries), for the words from " a local authority " to the end there shall be substituted the words " an islands or district council. ".
- 22 In section 172(3) (which makes provision as regards interpretation), after the word " provided" there shall be inserted the words " or unless the context otherwise requires ".
- 23 In section 176 (which makes provision as regards local plans)—
- (a) in subsection (3), at the end there shall be added the words " or withdrawn "; and
 - (b) in subsection (5), after the word " withheld " there shall be inserted the words " or withdrawn ".
- 24 For section 179 (which makes provision as regards applications for planning permission being referred to a regional planning authority instead of being dealt with by a district planning authority) there shall be substituted the following section—

“179 Reference of applications to regional planning authority.

- (1) A regional planning authority may, in the circumstances specified in subsection (2) below but subject to any regulations made under subsection (7) below, or to any such development order as is referred to in the said subsection (7), give to any district planning authority within the district of the regional planning authority directions requiring any such application as is mentioned in section 23(2) of the Act of 1972 to be referred to them instead of being dealt with by the district planning authority.
- (2) The circumstances referred to in subsection (1) above are both that the application concerned is not subject to a direction given by the Secretary of State under section 32 of the Act of 1972 and that—
 - (a) the proposed development does not conform to a structure plan approved by the Secretary of State; or
 - (b) the proposed development raises a major planning issue of general significance to the district of the regional planning authority.
- (3) Subject to subsection (4) below, any application in respect of which directions under subsection (1) above have been given shall be referred to the regional planning authority accordingly.
- (4) A district planning authority may, subject to any regulations made under subsection (7) below, or to any such development order as is referred to in the said subsection (7), appeal to the Secretary of State against any directions given under subsection (1) above to them; and the Secretary of State (whose decision shall be final) may, under section 177(4) of this Act, determine the appeal as if it were a matter arising under section 176(5) of this Act.
- (5) Where an application is referred to a regional planning authority under this section, sections 21(2)(b), 23(1)(f) and (h), 24(2B), (2C), (2D) and (4), 26, 27(1), 27A, 33, 35, 54(3) and (subject to subsection (6) below) 34 of the Act of 1972 shall apply, with any necessary modifications, as if the application had been made to the regional planning authority:

Provided that, in the proviso to the said section 27(1) as so applied, the words "another planning authority" shall be construed as meaning a regional planning authority, a general planning authority and any district planning authority outwith the district of the regional planning authority to which the application has been referred.
- (6) In the application of the said section 34 provided for in subsection (5) above, for the reference in that section to such period as may be prescribed by the development order there shall be substituted a reference to a period of 3 months, or such other period as a development order may prescribe, from the date when the application is referred to a regional planning authority.
- (7) The Secretary of State may by regulations made under this subsection, or may in a development order, prescribe the time limits within which—
 - (a) a regional planning authority may exercise their powers under subsection (1) above;
 - (b) a district planning authority may appeal under subsection (4) above;or

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- (c) a district planning authority shall forward to the regional planning authority a copy of any application (together with copies of all the certificates, plans, and other supporting documents relating there (a) required by the latter authority by virtue of subsection (1) above.”.
- 25 In section 181(2) (which, among other things, empowers a regional planning authority to make an order revoking or modifying planning permission granted by a district planning authority where the regional planning authority are of the opinion that an approved structure plan would otherwise be materially prejudiced), for the words from " shall" to the end there shall be substituted the words—
- “and of section 153 or 159 of the Act of 1972 (compensation in respect of orders under section 42 or 49) shall, as the case may be and with any necessary modifications, apply to the regional planning authority in relation to such an order made by the regional planning authority as they would apply to the district planning authority in relation to such an order made by the district planning authority.”.
- 26 In Schedule 7 (which relates to meetings and proceedings of local authorities)—
- (a) for sub-paragraph (2) of paragraph 3 there shall be substituted the following sub-paragraphs—
- “(2) If the chairman is absent from a meeting of the council, the vice-chairman shall preside.
- (3) If the chairman and vice-chairman are absent from a meeting of the council, another member of the council chosen by the members present shall preside.”; and
- (b) in paragraph 10—
- (i) for sub-paragraph (1) there shall be substituted the following sub-paragraph—
- “(1) Paragraphs 5 to 9 above (except paragraph 7(2)) shall apply in relation to—
- (a) a committee (including a joint committee) of a council and that committee's members ; or
- (b) a sub-committee of any such committee of a council and that sub-committee's members,
- as those paragraphs apply in relation to a council and that council's members.”; and
- (ii) in sub-paragraph (2), after the word " members " there shall be inserted the words " recorded under paragraph 6 above as having been ".
- 27 In Column 2 of Part I of Schedule 22 (which relates to regional planning functions), after the words " Sections 4 to 8." there shall be added the words—
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- “Sections 14 to 18 and 265, in so far as they relate to structure plans.”.
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- 28 In Column 2 of Part II of Schedule 22 (which relates to district planning functions)
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- (a) after the words " Sections 9 to 13." there shall be added the words—

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“Sections 14 to 18 and 265, in so far as they relate to local plans.”; and

- (b) for the words "Section 199 " there shall be substituted the words " Sections 198A and 199 ".

The Housing (Scotland) Act 1974 (c. 45)

29 In section 1—

- (a) in subsection (3), at the beginning, there shall be inserted the words " Subject to subsection (3A) below "; and
- (b) after subsection (3) there shall be inserted the following subsection—

“(3A) Any reference in this Act to works required for the improvement of a house does not include a reference to works specified in a notice under section 107 of the Housing (Scotland) Act 1966 (which empowers a local authority to require the provision of a means of escape from fire in a house in multiple occupation) or to works required in connection with works so specified.”.

30 In section 6(1)(b) for the words " 7(4) or 10A(4)" there shall be substituted the words " or, as the case may be, 7(4) ".

31 In section 10A—

- (a) in subsection (3) (which provides that a local authority shall have regard to the means of an applicant for repairs grant), at the end there shall be added the following proviso—

“Provided that the foregoing provisions of this subsection shall not apply in any such case as may be prescribed.”; and

- (b) in subsection (5) (which applies certain provisions relating to applications for improvement grants to applications for repairs grants), at the end there shall be added the words

“except that for the purposes of their so applying the reference to ' section 5(1) or, as the case may be, 7(4)' in section 6(1)(b) shall be construed as a reference to subsection (4) of this section:

Provided that section 3(2)(c) of this Act shall not apply in relation to an application for a repairs grant in respect of the replacement in a different material of such pipes, tanks, cisterns, taps or other equipment used for the supply of water to a house as are wholly or partly made of lead.”.

32 In section 12 (which makes provision for Exchequer contributions towards improvement or repairs grants)—

- (a) in subsection (1), for the words " or a repairs grant" there shall be substituted the words " , a repairs grant, or a grant under section 10B(1) of this Act "; and
- (b) in subsection (2), after the words " per cent." there shall be inserted the words " (in the case of an improvement or repairs grant), or 90 per cent, (in the case of a grant under section 10B(1) of this Act) ".

33 In section 49(3) (interpretation) in the definition of "prescribed"—

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- (a) for the words " and 10A(4) so far as relating to a percentage " there shall be substituted the words " , 10A(4), so far as relating to a percentage, and 10B(3) and (4) "; and
- (b) for the words " section 3(3)" there shall be substituted the words " sections 3(3A) and 10A(3) ".

The Safety of Sports Grounds Act 1975 (c. 52)

- 34 In section 11 (which relates to powers of entry in respect of sports grounds), at the end of paragraph (b) there shall be inserted the word " or ".

The Electricity (Scotland) Act 1979 (c. 11)

- 35 In section 5(2) (which provides that the Secretary of State shall appoint an Amenity Committee and a Fisheries Committee)—

- (a) for the words from "two Committees" to "respectively)" there shall be substituted the words " a Committee (in this Act referred to as the Fisheries Committee) "; and
- (b) for the words " those Committees " there shall be substituted the words " the Committee ".

- 36 In Schedule 4 (which makes provision for the constitution and functions of the Amenity Committee and the Fisheries Committee)—

- (a) in paragraph 1—
 - (i) the words "Amenity Committee and the" shall cease to have effect;
 - (ii) for the words " them respectively " there shall be substituted the word " it "; and
 - (iii) for the words " amenity and fisheries respectively " there shall be substituted the word " fisheries ";
- (b) in paragraph 2 for the words " each of those Committees " and " each Committee " where they respectively occur there shall be substituted the words " the Committee ";
- (c) in paragraph 3—
 - (i) the words " Amenity Committee and the" shall cease to have effect; and
 - (ii) for the words " each of those Committees " there shall be substituted the words " the Committee ";
- (d) paragraph 5 shall cease to have effect; and
- (e) in paragraph 6 the words " Amenity Committee and the " shall cease to have effect.

The Education (Scotland) Act 1980 (c. 44)

- 37 In section 1 (which imposes a duty on education authorities to secure the provision of school and further education)—

- (a) in subsection (3)—
 - (i) for the words " —(a) shall" there shall be substituted the words "shall for the purposes of their duty under subsection (1) above—
(a)";
and

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(ii) in paragraph (b), the words "without prejudice to the duty imposed on them by subsection (1) above, shall " shall cease to have effect; and

(b) in subsection (5)(b)(iii)—

(i) after the words " either as " there shall be inserted the words " voluntary organised activities designed to promote the educational development of persons taking part therein or as "; and

(ii) the words " or as organised voluntary leisure-time occupation " shall cease to have effect.

38 In section 6(1) (which among other things empowers for certain purposes an education authority to establish, manage and maintain social, cultural and recreative facilities), after the word " securing" there shall be inserted the words " , under section 1(3) of this Act, ".

The Tenants' Rights, Etc. (Scotland) Act 1980 (c. 52)

39 In section 2—

(a) in subsection (6) (which prescribes a time limit for service of a notice of acceptance)—

(i) in paragraph (a), after the words " (3) above " there shall be inserted the words " or by referring the matter to the Lands Tribunal for Scotland under subsection (2)(d) of section 7 of this Act ";

(ii) in paragraph (b), for the words from " determined " to " Scotland" there shall be substituted the word " resolved "; and

(iii) after sub-paragraph (iii) there shall be inserted the following sub-paragraph—

“(iiiia) the service of an offer to sell on him by virtue of subsection (3)(b) of section 7 of this Act;”;

(b) at the end there shall be added the following subsection—

“(12) In the foregoing provisions of this section, " offer to sell" includes such offer to sell as is mentioned in section 7(2)(d) of this Act”.

40 In section 7(2)(c) (which relates to matters being referred to the Lands Tribunal for Scotland)—

(a) after the words " right to purchase)" there shall be inserted the words " or has made an order under subsection (3)(b) of this section ";

(b) after the words "said finding" there shall be inserted the words " or, as the case may be, order ".

The Local Government, Planning and Land Act 1980 (c. 65)

41 In section 70 (which provides for grants in respect of caravan sites for gipsies)—

(a) in subsection (1), for the word " gipsies" there shall be substituted the words " persons to whom subsection (8A) of that section applies ";

(b) in subsection (4), the definition of " gipsy " shall cease to have effect.

42 In paragraph 33 of Schedule 32 (which makes provision as regards rates in Scotland in respect of lands and heritages in an enterprise zone)—

(a) at the end of sub-paragraph (1) there shall be added the following proviso—

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“Provided that where the lands and heritages are situated only partially within any one enterprise zone their value shall, for the purpose of determining what rates (if any) are payable in respect of the lands and heritages, be apportioned between so much of them as lies within, and so much of them as lies outwith, that zone as if—

- (i) the apportionment were by reason of their extending into two or more rating areas ; and
 - (ii) the boundary of the enterprise zone were the boundary of such an area”; and
- (b) at the end of sub-paragraph (4) there shall be added the words " ; and " rating area " means the area of a rating authority. "

The Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23)

- 43 In section 18 (which prohibits a local authority from using sums from their loans fund to offset a diminution in the resources element payable to them), in each of subsections (1) and (2) for the word " anticipates " there shall be substituted the word " anticipate ".